IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FARAD CONTINUATION SHEET
SECOND APPEAL NO.698 OF 2004

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Office Notes,Office memorandum of Coram, appearances,Court's orders or directions & Registrar's orders.	Court's or Judge's orders

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Mr.R.M.Pethe i/b Mr.R.G.Ketkar for the Appellant

CORAM: A.S.OKA, J.
DATED: AUGUST 11, 2006.

P.C.:

1. Heard learned Advocate for the Appellant. The Appellant is the original Defendant. The Appellant is the adopted son of one Krishna. The Respondent is the daughter of the said Krishna. Decree for partition of one fourth share has been passed in favour of the Respondent-Plaintiff. The decree has been confirmed in Appeal.

2. The learned Advocate for the Appellant invited my attention to the recital in the deed of adoption executed in favour of the Appellant. He submitted that the said recital will have be read as an agreement to the contrary as provided under section

13 of the Hindu Adoption and Maintenance Act, 1956. The courts below have held that the proper interpretation of the recital is that the Appellant will be entitled to acquire all rights which the natural son of Krishna would have acquired.

3. I find that the view taken by both the Courts below is correct. From the said recital it is evident that the right, title and interest of Krishna was not transferred in favour of the Appellant by the deed of adoption. The result of the decree passed by the Trial Court is that the Appellant will get three fourth share in the property. No case is made out for interference. Second Appeal is dismissed with no order as to costs.

Judge.